

In the Matter of FENSKE BROS., INC. and FURNITURE, WOODWORKERS & FINISHERS UNION, LOCAL 18-B, OF THE UPHOLSTERERS INTERNATIONAL UNION OF NORTH AMERICA, AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR and UNITED FURNITURE WORKERS OF AMERICA, LOCAL 18-B, AFFILIATED WITH THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

Case No. R-1843

SECOND SUPPLEMENTAL DECISION
AND
CERTIFICATION OF REPRESENTATIVES

January 31, 1941

On August 26, 1940, the National Labor Relations Board, herein called the Board, issued a Supplemental Decision and Second Direction of Election,¹ and on September 19, 1940, an amendment² thereto, in this proceeding. Pursuant to Second Direction of Election, as amended, an election by secret ballot was conducted on October 11, 1940, under the direction and supervision of the Regional Director for the Thirteenth Region (Chicago, Illinois). On October 18, 1940, the Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, issued and duly served upon the parties an Election Report.

As to the balloting and its results, the Regional Director reported as follows:

Total on eligibility list ³	---
Total ballots cast	70
Total ballots cast for Furniture, Woodworkers & Finishers Union, Local 18-B, of The Upholsterers International Union of North America, affiliated with the American Federation of Labor	42
Total ballots cast for United Furniture Workers of America, Local 18-B, affiliated with the Congress of Industrial Organizations	24

¹ 26 N. L. R. B. 1391.

² 27 N. L. R. B. 333.

³ The total number on the eligibility list in the first election conducted on July 1, 1940, was 79. The Company, although requested by the Regional Director, refused to supply a revised list of eligible employees and to participate in making the arrangements for the election and its conduct.

29 N. L. R. B., No. 57.

Total ballots challenged-----	0
Total void ballots-----	1
Total blank ballots-----	3

On October 22, 1940, the Company filed Objections to Election Report. On November 27, 1940, the Regional Director issued his Report on Objections to Election Report. The Company contends that the Act does not authorize run-off elections and that in any event the Board should have afforded the employees an opportunity in the run-off election of voting that they desired neither of the contesting labor organizations to represent them. We have already considered and disposed of similar objections advanced on the same grounds in our Supplemental Decision and Second Direction of Election and find that the objections raise no substantial and material issues with respect to the conduct of the election. The objections are hereby overruled.

CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended,

IT IS HEREBY CERTIFIED that Furniture, Woodworkers & Finishers Union, Local 18-B, of The Upholsterers International Union of North America, affiliated with the American Federation of Labor, has been designated and selected by a majority of all employees of Fenske Bros., Inc., at its Chicago, Illinois, plant, who work in the mill and cabinet department, finishers, maintenance men, yard employees, spring makers, filling material picker, and employees in the shipping, packing, and crating activities, excluding clerical and supervisory employees, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the Act, Furniture, Woodworkers & Finishers Union, Local 18-B, of The Upholsterers Union of North America, affiliated with the American Federation of Labor, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

MR. WILLIAM M. LEISENSON took no part in the consideration of the above Second Supplemental Decision and Certification of Representatives.